

Rule of Law (RoL) and Security Sector Reform (SSR) in Stability Operations: Lessons Learned and Best Practices

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*Cry Freetown - Sorious
Samo*



[<http://www.youtube.com/watch?v=Xwj0c599M4s>]

AGENDA

- Defining Security Sector Reform, Rule of Law, and the intersection of the two
- The big issues for Rule of Law in Stability Operations
- Lessons learned from recent operations
- The U.S. Rule of Law team in the field: who the experts are and how they can help

Defining Rule of Law (RoL)

- “Rule of Law is a principle under which all persons, institutions, and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced, and independently adjudicated, and that are consistent with international human rights principles.”

-DoD/DoS/ USAID Statement on Security Sector Reform, January 2009)

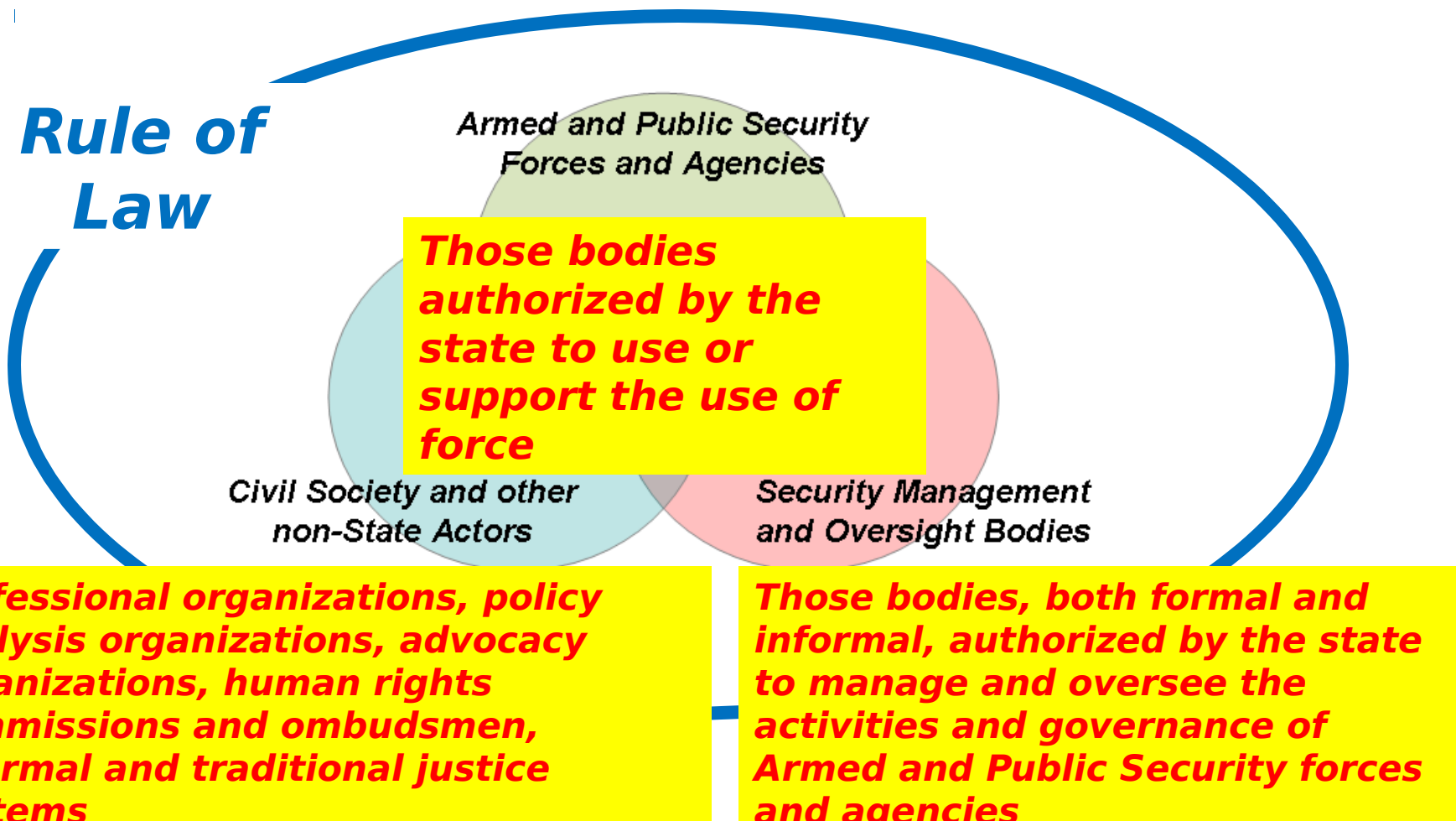
Security Sector Reform

Security Sector Reform (SSR) is the set of policies, plans, programs, and activities that a government undertakes to improve the way it provides safety, security, and justice.

The overall objective is to provide an effective and legitimate public service that is transparent, accountable to civilian authority, and responsive to the needs of the public.

U.S. DOS/DOD/USAID Statement on SSR (January 2009)

Elements of the Security Sector



The Security Sector

Non-state Actors

Rebels
Militias
Gangs
Criminal orgs.
Cartels
Private security companies

Armed and Public Security Forces

Police/Military
Paramilitary
Border security
Coast guards
Intelligence community
Customs agents

Civil Management/Oversight Bodies

Executive
Civilian ministries
Legislatures
Justice system
Municipal and district governments/councils

Other Actors

Donors
Intl. Financial Institutions
Neighbors
Regional orgs.

Civil Society

Media
Academia
Civic groups
Think tanks
Business communities

The Intersection of Rule of Law (RoL) and Security Sector Reform (SSR)

- *Rule of Law* provides the overarching framework within which Security Sector Reform goes forward
- The Rule of Law “framework” consists of those documents, instruments, laws, regulations, directives and procedures that give effect to the

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***Rule of Law provides the Rules of the Road,
Security Sector Reform is the Drivers’
Education Program***

Key Developments for U.S. Actors in Rule of Law and SSR

- State/Defense/USAID *Statement on Security Sector Reform* (January 2009)
- FM 3-07 (*Stability Operations*)
Definition of Rule of Law; Chapter on Security Sector Reform (October 2008)
- Fielding of more robust Rule of Law teams (Plan Colombia; OIF/OFF)

The Big Issues in Rule of Law for Post-Conflict Reconstruction and Stabilization

- Whose Law? Mine? Yours? Theirs? Who decides, and how?
- Modern, codified law enforced by state security forces and an independent judiciary *versus* traditional and customary practices enforced and adjudicated by local authorities and non-state actors—how to blend?
- Justice versus reconciliation – how much of each, and where is the balance? How much does it matter?

Lessons Learned and Best Practices

- Military Security versus Justice and Law Enforcement
- Rule of Law and Security Sector Reform
- Justice and Law Enforcement Shortfalls

Military Security vs Justice and Law Enforcement

- Establishing security in a non-permissive environment—a military task—differs from providing law enforcement and justice services in a permissive environment—a civil task: *BOTH ARE NEEDED* for successful stabilization and reconstruction
- Transitional approaches, blending military operations with longer-term programs to restore justice and law enforcement services, are essential
- Disarmament, Demobilization and Reintegration Programs (DDR) can provide

Rule of Law and Security Sector Reform

- Stability Operations planners must recognize the critical role rule of law plays in governing SSR program design and implementation, *and the critical role that RoL and SSR together play in failed state recovery*
- Planners must determine ways and means to quickly establish rule of law frameworks
- Rule of law frameworks may need to change as transitions occur
- While overarching objectives for rule of law should shape longer-term goals, planners need to determine what is “fair enough” in the early stages of intervention, before host nation systems are fully restored or established

Justice and Law Enforcement Shortfalls

- Programs for justice and law enforcement require significant improvement
- Resourcing is out-of-balance: justice and police programs must be adequately resourced, and resourcing must be sustained over time
- There is a need to identify and institutionalize best practices for justice and police capacity building and reform, and to develop better models for establishing security at the community level more quickly and at lower costs

The U.S. Rule of Law Team in the Field: Who the Experts Are and How They Can Help

- Assistant U.S. Attorneys (Department of Justice)
- Bureau of International Narcotics and Law Enforcement (INL) Foreign Service Officers (Department of State) [INCLE funds]
- Contracted Rule of Law Specialists
- Military Staff Judge Advocates (SJAs)
- Department of Justice Offices :
 - Office of Overseas Prosecutorial Development and Assistance (OPDAT) (DOJ)
 - International Criminal Investigative Training Assistance Program (ICITAP) (DOJ)

*QUESTIONS,
COMMENTS, TOMATOES
(ELECTRONIC, OF
COURSE)?*

[Civilian] Rule of Law and SSR COUNTRY TEAM ELEMENT

***Funded by International
Narcotics Control and Law
Enforcement (INCLE) Funds,
exempt from 660 restrictions***

State INL

AMBASSADO

R

**National Law Enforcement
Officer (NLEO)**



**State INL Foreign
Service Officer:
Programming and
Oversight**

**[in the
absence of an INL
FSO, will be the
Embassy RSO or
Political Officer]**

**DOJ OPDAT Lawyer:
Rule of Law and
Justice Technical
Advisor**



**Legal
Advisor (LA)**

**Senior Law
Enforcement
Advisor
(SLEA)**



**DOJ ICITAP Policing
and Law
Enforcement
Technical Advisor**

CONTRACTORS

DI

PAE

CPI

(ex-prosecutors, retired judges,
former/retired FBI, DEA, police,
border patrol, customs officers
etc.)